Ralph R. Rios, S.B.N. 80585
Ralph M. Rios, C.B.N. 230454
RIOS & ASSOCIATES
1499 Huntington Dr., Ste. 506
South Pasadena, CA 91030
Telephone: (626) 583-1100
Facsimile: (626) 583-1475
rmr@rrioslaw.com

Attorneys for Plaintiffs
YOLANDA VILLASENOR,
individually and as guardian ad litem for "OT"

UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF THE STATE OF CALIFORNIA

YOLANDA VILLASENOR, *individually and as guardian ad litem for "OT"* Plaintiffs, v. CITY OF LOS ANGELES, OFFICER LESTER LOPEZ, OFFICER ANNETTE RENTERIA and Los Angeles Police Department, *individually and in their official capacities* and DOES 1 through 10, inclusive] Defendants.	CASE NO. *Unassigned* **COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF** **1. VIOLATION OF 42, U.S.C. §§ 1983: FOURTH, FIFTH, and FOURTEENTH** **2. *MONELL* ALLEGATIONS** **3. VIOLATION OF 42 U.S.C. §1985 (2)** **4. VIOLATIONS OF 42 U.S.C. §1985 (3)** **5. FALSE IMPRISONMENT** **6. NEGLIGENCE** **7. ASSAULT AND BATTERY** **8. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS** ***JURY TRIAL DEMAND***

I. INTRODUCTION

1. This civil rights action seeks compensatory and punitive damages from individual police officers and from the Los Angeles Police Department, ("LAPD") for violations of fundamental rights under the United States Constitution

and the state law in connection with the false arrest and excessive force on then pregnant, YOLANDA VILLASENOR.

II. JURISDICTION AND VENUE

2. The civil action is brought for the redress of the deprivations of the constitutional rights as protected by 42 U.S.C. Sections 1983, 1985, 1986, 1988 and the Fourth and Fourteenth amendments to the United States Constitution. Jurisdiction is founded on 28 U.S.C. Sections 1331, 1343 and 1367.

3. Venue is proper in this court under 28 U.S.C. Section 1391 (b). because defendants reside in, and all incidents, events and occurrences giving rise to this action occurred in the City of Los Angeles, California.

III. ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

4. This action at law for money damages arises under Title 42 U.S.C. Sections, 1983 and 1988 and the United States Constitution, the laws of the State of California and common law principles to redress a deprivation under color of authority, state law of rights, privileges and immunities secured to plaintiffs by said statutes, and by the Fourth, and Fourteenth Amendments of the United States Constitution.

V. PARTIES

5. Plaintiff YOLANDA VILLASENOR, brings this action, and was at all times related to this complaint, a resident of Los Angeles County, California. Plaintiff VILLASENOR is also suing as the *guardian ad litem for "OT"*, the baby that VILLASENOR was pregnant with at the time of the incident.

6. At all times material herein, defendant CITY OF LOS ANGELES (Defendant "CITY") was and is a public entity duly organized and chartered under the laws of the State of California. This defendant is a "person" and subject to suit within the meaning of Title 42, U.S.C. § 1983 under *Monell v. New York Dept. of Soc. Servs.*, 436 U.S. 658, 691 (9178). Under California Government Code § 815.2(a), this defendant is liable for any and all wrongful acts in violation of state

law hereinafter complained of committed by any of this defendant's employees acting within the course and scope of their employment.

7. At all times material herein defendant CITY was responsible for the employment, training, and supervision of the actions, conduct, policies, practices, and customs of the employees and agents of the CITY including its Police Department, and all of its members. At all times material herein, defendant CITY was responsible for assuring that the actions, conduct, policies, procedures, and customs of their Police Department and its employees complied with the Constitutions and the laws of the United States and of the State of California.

8. Plaintiff is informed and believes, and based thereon alleges that defendant CITY is responsible for implementing, maintaining, sanctioning, or condoning a policy, custom, or practice, under which the wrongful or illegal acts hereinafter complained of occurred. By reason of this policy, practice or custom, defendant CITY is liable for the damages hereinafter complained of.

9. Plaintiff is informed and believe and based thereon alleges that at all times material herein, defendants OFFICER LESTER LOPEZ (hereafter "OFFICER LOPEZ") and ANNETTE RENTERIA (hereafter "OFFICER RENTERIA")were each duly appointed and acting LOS ANGELES COUNTY officers employed as such by the defendant CITY OF LOS ANGELES, at the time of the acts hereinafter complained of, and at all times herein, each said defendant was acting in the course and scope of such employment and acting under color of state law. Plaintiffs sue these defendants in both their official and individual capacities.

10. At all times material herein, defendants were each acting as the employee, agent, representative and officer of every other defendant herein, and within the course and scope of such employment and agency.

CHARGING ALLEGATIONS

FIRST CAUSE OF ACTION

(Violation of Civil Rights: 42 United States Code § 1983: RIGHT TO DUE PROCESS OF LAW; FIFTH AND FOURTEENTH AMENDMENTS)

[By Plaintiffs against Defendants OFFICER LESTER LOPEZ and ANNETTE RENTERIA]

11. Plaintiffs reallege and incorporate the allegations set forth in the preceding paragraphs as though fully set forth hereafter.

12. On August 6, 2016, at the Western Union located at 4481 Hollywood Blvd, Los Angeles, CA 90027, plaintiff YOLANDA VILLASENOR, was attempting to cash her Disability Insurance check when she was falsely accused of cashing a fraudulent check.

13. The Los Angeles Police department was called and Officers Lester Lopez and Annette Renteria responded to the call.

14. Plaintiff was racially profiled and despite showing proof her actions were legal she was harassed, threatened discriminated and arrested.

15. At the time of the arrest Plaintiff was 41 weeks pregnant and under doctor's care.

16. Despite being clearly pregnant and unable to perform simple body maneuvers Plaintiff was treated as a criminal, humiliated, embarrassed, scolded, threatened and placed in handcuffs.

17. The handcuffs were wrongfully placed behind Plaintiff's back causing great pain and stress to her body. Plaintiff was in tears and in pain and repeatedly asked why she was being arrested. It was clear Plaintiff was being discriminated

and racially profiled as the police officers had no justification for the arrest and the subsequent harsh and excessive force.

18. While being questioned regarding her disability check, Plaintiff repeatedly provided enough information, clearly showing her check was not fraudulent. However, because of the racial profiling and discrimination against plaintiff she was treated unfairly, singled out and arrested.

19. At almost 41 weeks pregnant, VILLASENOR spent approximately a day and night in jail suffering great pain, torture and labor pains. Plaintiff was without water, adequate nutrition and no medical care despite repeated complaints for help.

20. When VILLASENOR was able to post bail, she was taken to the hospital where she began to experience contractions, and immediately gave birth thereafter.

21. Commencing at or about the aforementioned date and place. Defendants LOPEZ and RENTERIA, intentionally and maliciously seized plaintiff VILLASENOR causing her physical pain, harm, and possibly harm to "OT". Plaintiff VILLASENOR was unlawfully seized by Defendants LOPEZ and RENTERIA without warrant or order of commitment, or any other legal authority of any kind as VILLASENOR had not committed any crime or public offense prior..

22. The arrest for "ID theft" was an unlawful arrest followed by 24-30 hours of false imprisonment, and continued emotional distress wondering if baby "OT" suffered latent injuries yet to be uncovered.

23. Ms. VILLASENOR had a constitutional right to be free from excessive force, false arrest, imprisonment, discrimination and racial profiling. Plaintiff also,

at the time of arrest and to this day, has a right medical care and treatment to which she was refused, causing a deliberate indifference to her medical needs.

24. Each of the individual defendants acted in concert, acted without authorization of law, and each of the individual defendants, separately and in concert, acted willfully, knowingly and with reckless disregard and deliberate indifference to the known consequences of their acts and omissions and purposefully with the intent to deprive Plaintiff VILLASENOR and "OT"of their federally protected rights and privileges and did, in fact, violate those rights and privileges, entitling plaintiffs to punitive damages in an amount to be proven at trial.

25. As a direct and proximate result of the aforementioned acts, omissions, customs and practices of the defendants. Plaintiff VILLASENOR has suffered great mental and physical pain, suffering, anguish, fright, nervousness, anxiety, grief, shock, humiliation, indignity, embarrassment and apprehension, all to her damage in a sum to be determined at trial.

26. As a proximate result of the aforementioned conduct of defendants, and each of them, plaintiffs sustained severe emotional injuries and require emotional treatment, and have incurred and will continue to incur medical expenses for said therapy in an amount according to proof at trial.

27. The aforementioned acts and omissions of Defendants were committed by each of them knowingly, willfully and maliciously, with the intent to harm, injure, vex, harass and oppress Plaintiffs with conscious disregard of Plaintiffs' constitutional rights and by reason thereof, plaintiffs seek punitive and exemplary damages from Defendants, and each of them, in an amount to be proven at trial.

28. Defendants, their employees and agents, owed Plaintiff a duty under the due process clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution to protect the freedom and liberty from false imprisonment.

SECOND CAUSE OF ACTION;

MONELL ALLEGATIONS

(Against Defendant CITY and DOES 3-5, INCLUSIVE)

29. Plaintiffs restate and incorporate by reference, as though fully set forth herein, the allegations contained in paragraphs above.

30. Defendant CITY, failed to properly train its officers LOPEZ, and RENTERIA, causing the wrongful arrest of Plaintiff VILLASENOR. Plaintiff was arrested, and booked without having enough evidence of a crime being committed. Consequently putting Plaintiff VILLASENOR and "OT" at risk.

31. Defendant CITY, failed to provide efficient and proper training to its officers LOPEZ and RENTERIA, whom failed to read Miranda rights to Plaintiff.

32. Defendant CITY, failed to provide proper training to its officers LOPEZ and RENTERIA on how to properly restrain a pregnant woman. As Plaintiff VILLASENOR was handcuffed through her back, even though she was almost 41 weeks pregnant, putting "OT" at risk.

33.Plaintiffs assert that it was and still is the policy and/ or custom of the CITY to inadequately supervise and train its officers, including the defendant officers, thereby failing to discourage further unconstitutional violations on the part of their officers. The CITY did not require appropriate in-service training or retraining of officers, who were known to have engaged in police misconduct.

34. As a result of the above described policies and customs, officers, including the defendant officers, believed that their actions would be ignored, approved and ratified, and not properly monitored by supervisors and that misconduct, false arrest and excessive force would not be investigated or sanctioned, but would be tolerated.

35. The above-mentioned policies and customs demonstrate a deliberate indifference on the part of policymakers of the CITY to the constitutional rights of persons within the CITY, and were the cause of the violations of the plaintiff's rights alleged herein.

36. Each of the acts complained of herein was taken, and each violation of plaintiff's rights occurred pursuant to the policies, practices and/ or customs of the LOS ANGELES POLICE DEPARTMENT, each act complained of was approved, condoned and/ or ratified by persons of authority with the defendant CITY.

37. In committing each of the violations of law complained of herein, defendants, their agents and employees, were acting under color of law. The acts complained of were willful, wanton, malicious and displayed a conscious disregard of, and in deliberate indifference to plaintiffs' constitutional rights.

THIRD CAUSE OF ACTION

VIOLATION OF 42 U.S.C S1985 (2)

(Against Individual DEFENDANTS LOPEZ, RENTERIA and Does 1-5)

38. Plaintiffs restate and incorporate by reference, as though fully set forth herein, the allegations contained in all paragraphs above. Commencing on August 06, 2016, and thereafter. Defendants and two or more of them, by reason of Defendants wrongful arrest, and lack of training. Sworn officers of the Los Angeles Police Department with respect to the handling of suspects and of permitting and

ratifying violations, under color of law, of the First, Fourth, and Fourteenth Amendments to the United States Constitution, by its sworn officers.

39. By virtue of the foregoing, Defendants, and each of them, violated 42 U.S.C. §1985 (2). As a direct and proximate result of the foregoing. Plaintiffs have been damaged as recited above and are entitled to the damages previously recited, including, but not limited to, general and punitive damages and attorney's fees.

FOURTH CAUSE OF ACTION

VIOLATION OF 42 U,S.C S1985 (3)

(Against Individual DEFENDANTS and Does 1-10)

40. Plaintiffs restate and incorporate by reference, as though fully set forth herein, the allegations contained in paragraphs above.

41. By virtue of the foregoing, Defendants, and two or more of them, conspired for the purpose of:

(i) depriving Plaintiffs of (a) equal protection of the law; and (b) equal protection and immunities under the law, and for the;

(ii) preventing and hindering the constituted authorities from giving and securing to plaintiffs equal protection of the law and deprivation of liberty, property and life without due process of law.

42. Defendants, and each of them, did and caused to be done, an act or acts in furtherance of the object of the conspiracy, whereby Plaintiffs were deprived of the rights and privileges as set forth above.

43. As a direct and proximate result of the foregoing, plaintiffs have been damaged as recited above, and demand, and are entitled to the damages, including, but not limited to, general and punitive damages and attorney's fees.

FIFTH CAUSE OF ACTION

FALSE IMPRISONMENT

[AS TO DEFENDANTS CITY OF LOS ANGELES, AND OFFICER LESTER LOPEZ AND ANNETTE RENTERIA, Individually and as Employees of defendants City of LOS ANGELES]

44. PLAINTIFF repeats, realleges and incorporate each and every allegation of each and every paragraph above as though fully set forth herein.

45. Plaintiff invokes the supplemental jurisdiction of this Court to hear and determine this claim.

46. The tortious and intentional acts of OFFICERS LOPEZ and RENTERIA above caused plaintiff to be wrongfully and unjustly imprisoned for the period indicated above.

47. As the actual and proximate result of the acts and omissions of said defendants as described herein, PLAINTIFF was made to lose her freedom and liberty for the period stated above in violation of the Fourteenth Amendment's procedural and substantive due process guarantees. During said incarceration PLAINTIFF suffered personal and bodily injuries, and during said time she suffered, and continues to suffer, severe emotional and psychological pain, suffering, anxiety, depression, anguish, shock, and fear. Further, PLAINTIFF has been made to hire medical specialists for treatment and therapy for his injuries.

48. The aforementioned acts of said defendants was willful, wanton, malicious and oppressive, and knowingly done for the purpose of wrongfully imprisoning plaintiff, thereby justifying the awarding of exemplary and punitive damages as to these defendants.

49. Defendants CITY OF LOS ANGELES is liable in respondeat superior pursuant to section 815.2 of the California Government Code for the acts of its employees, agents and representatives as alleged in this cause of action.

SIXTH CAUSE OF ACTION

NEGLIGENCE &

NEGLIGENT HIRING/RETENTION/SUPERVISION

(AGAINST INDIVIDUAL DEFENDANTS)

50. Plaintiffs restate and incorporate by reference, as though fully set forth herein, the allegations contained in all paragraphs above.

51. On or about August 6, 2016, and sometime prior thereto, the above listed defendants knew or in the exercise of due care should have known, that the aforementioned character traits, practices and propensity propensities of Defendants, made them unfit to serve as peace officers and were likely to cause harm and injury to members of the public, including the Plaintiffs.

52.. Defendants breached the duty of due care owed to plaintiffs in that defendants negligently subjected plaintiffs to an unlawful arrest, physical force, emotional distress, fear, harm and anxiety, though defendants and each of them knew, or in the exercise of reasonable care should have known, there was no awful reason to use force of any kind against plaintiffs.

53.. In doing the aforementioned acts, defendants' conduct was negligent, and caused plaintiffs to suffer emotional and mental distress, the indignity of fear, anxiety, and mental anguish.

54.. As a direct and proximate result of the foregoing, plaintiffs have suffered, and continue to suffer, mental and emotional distress, and is entitled to and demands damages against defendants jointly and severally, as previously recited.

SEVENTH CAUSE OF ACTION

ASSAULT AND BATTERY

(BY PLAINTIFFS against OFFICERS LOPEZ and RENTERIA and DOES 1-5, inclusive)

55. Plaintiff refers to and replead each and every allegation contained in paragraphs 1 through 21 of this complaint, and by this reference incorporates the same herein and makes each a part hereof.

56. Defendants, and each of them, did the acts and omissions hereinafter alleged in bad faith and with knowledge that their conduct violated well established and settled law.

57. Plaintiff timely filed a claim against defendants under Government Code § 910 and it was rejected the CITY OF LOS ANGELES.

58. At the date, time and location, described in above, OFFICERS LOPEZ and RENTERIA, knowingly and wilfully, without provocation, necessity or lawful justification, in violation of California Penal Code Sections 149 and 245, wilfully, assaulted , Plaintiff..

59. As a proximate result of the acts of Defendants, and each of them, as herein alleged, Plaintiff was compelled to expend money all to her damage in an amount according to proof.

60. As a proximate result of the acts of Defendants, and each of them, Plaintiff was injured in health, strength and activity, sustaining injuries to her body and shock and injury to her nervous system and person.

61. As a further proximate result of the acts of Defendants, and each of them, Plaintiff was required to and did employ physicians for medical examination, treatment and care of injuries, and did incur medical and incidental expenses. Plaintiff did incur and will incur further treatment, the exact amount of which is unknown at this time.

62. The acts of Defendants, and each of them, were willful, malicious and oppressive, in conscious disregard of Plaintiff's known rights and thereby justify the awarding of exemplary damages in the sum according to proof.

EIGHTH CAUSE OF ACTION

INTENTIONAL INFLICTION OP EMOTIONAL DISTRESS

(By Plaintiff Against Defendants LOPEZ, RENTERIA, CITY and DOES 1-5, inclusive)

63.. Plaintiffs refer to and replead each and every allegation above contained in paragraphs 1 and by this reference incorporates the same herein and makes each a part hereof

64. Defendants LOPEZ and RENTERIA unlawfully seized PLAINTIFF without reasonable cause; subjected Plaintiff to excessive and unreasonable force with the intent to inflict harm and injury and, thereafter, intentionally delayed procuring medical care; and conspired among themselves to suppress the true facts concerning the aforesaid incident with the purpose of further harming plaintiff.

65. In doing the aforementioned acts, Defendants conduct was intentional, outrageous, malicious, and done for the specific purpose of causing Plaintiff to suffer extreme emotional distress, the indignity of being tortured, beaten and humiliated caused great fear, anxiety, and mental anguish.

66. As a direct and proximate result of the foregoing, Plaintiff has suffered, and continues to suffer, severe mental, emotional and physical distress and is entitled to and demands against Defendants jointly and severally, as recited above, including, but not limited to general and punitive damages and attorney's fees.

PRAYER FOR RELIEF

Wherefore, plaintiff prays that the court award them the following relief:

1. General damages in an amount to be proved;
2. Medical, dental, doctor, chiropractic, psychiatric, pharmaceutical, and incidental expense as proved;
3. Loss of earnings and income as proved;
4. Punitive and exemplary damages against the non-entity defendants;
5. Costs of litigation;
6. Such equitable relief as adjudged necessary and appropriate by the Court to remedy the situation complained of,
7. Reasonable attorney's fees pursuant to 42 U.S.C. § 1988, and
8. Such other and further relief as the court deems appropriate and just.

Dated: May 11, 2017

RIOS & ASSOCIATES

By:________________________

Ralph M. Rios
Attorney for Plaintiffs
YOLANDA VILLASENOR,
individually and as guardian ad litem for "OT"

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

DATED: May 11, 2017

RIOS & ASSOCIATES

By:______________________________

Ralph M. Rios
Attorneys for Plaintiffs
YOLANDA VILLASENOR,
individually and as guardian ad litem for "OT"